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GOVERNOR
STATE OF CONNECTICUT

Testimony of Christopher R. Drake

In support of Senate Bill 27

An Act Transitioning the Regulations of Connecticut State Agencies to an Online Format
and House Bill 5027

An Act Implementing the Governor's Budget Recommendations Concerning the Elimination,
Consolidation and Modification of Various Boards and Commissions

March 2, 2012

Good morning Sen. Slossberg, Rep. Morin, Sen. McLachlan, Rep. Hwang and other distinguished members of the Government Administration and Elections Committee. My name is Christopher Drake, and it is a pleasure to be here before you testifying for my first time as Deputy Legal Counsel to Governor Malloy. Governor Malloy has asked me to share with you the reasons for his submission of Senate Bill 27 and House Bill 5027 as Governor's Bills.

Senate Bill 27 - An Act Transitioning the Regulations of Connecticut State Agencies to an Online Format

Let me begin with Senate Bill 27. This bill concerns the way in which the regulations of the state's executive branch agencies are published. As you know, Governor Malloy is dedicated to making Connecticut a better place to do business. One of the ways that we think that we can accomplish this goal is to make sure that all of our state regulations -- particularly those that regulate business in this state -- are available in an easily accessible and updated online format. That is what this bill seeks to accomplish.

Currently, approved regulations are published in the Law Journal monthly by the Commission on Official Legal Publications (otherwise known as COLP). COLP thereafter periodically publishes a supplement, which codifies those regulations that have been approved since the last supplement. In addition to these hard copy publications, some agencies do publish their regulations on their website, but others do not and there is no requirement that they do so. Other than using Westlaw or some other commercially available paid service, there is no way to search multiple agency regulations at one time. And those regulations that are available through Westlaw and other commercial sites do not include regulations that have been approved since publication of the last supplement. In sum, there is a real need for modernization.

Moreover, COLP's ability to publish the regulations in hard copy is becoming more tenuous with the passage of time. COLP's primary responsibility is the publication of court decisions, the Practice Book, the Code of Evidence and the many court forms that the judicial branch uses. These items take precedent over publication of the regulations and, as a result, the supplement is not published on a regular basis. COLP also uses a highly proprietary archaic typesetting system to print the Law Journal and the supplement and there are very few people left who are trained to use it. When these individuals eventually leave state service (which may happen in the near future), there is the very real possibility that there will simply be no one left who is trained to operate the typesetting system.

To address these issues, this bill mandates that all regulations be published online by July 1, 2013 and eliminates all requirements that COLP publish the regulations in the Law Journal and in the supplement. Under this bill, all state agencies will be required to transmit newly approved regulations to the Secretary of the State in electronic format and the Secretary of the State will be responsible for uploading the regulations into a database and publishing them online. The Secretary of the State will also publish online the notice of intent, the fiscal note, and the small business impact statement, which are all currently required prior to adoption of a regulation.

Finally, this bill creates a taskforce which we hope will not only be bipartisan, but non-partisan. The purpose of this taskforce is to develop the technical plan to achieve the goal of transitioning all regulations online by July 1, 2013. The Governor's General Counsel, Andrew McDonald and I met with relevant participants in the process over the summer – including members and staff from the Regulations Review Committee and representatives from the judicial branch, COLP, the Legislative Commissioner's Office, and the Office of the Secretary of the State. If one thing was made clear in those meetings it was that – although this seems like a simple thing to do – there are some difficult, although not insurmountable, technical hurdles that need to be overcome. We believe that the taskforce will be able to overcome these hurdles by the end of this year.

**House Bill 5027 - An Act Implementing the Governor's Budget Recommendations
Concerning the Elimination, Consolidation and Modification of Various Boards and
Commissions**

HB 5027 proposes the elimination or merger of various boards and commissions. A list of the boards and commissions that we propose to eliminate and a summary of the proposed mergers is attached to my written testimony. Rather than touch on individual boards and commissions, I would like to just explain to you the process that our office went through in coming up with this list. We began with a list of the more than 250 boards and commissions to which the Governor can make appointments. Therefore, those boards that are solely appointed by members of the General Assembly or by agency commissioners were not considered, with the exception of the small changes made to the Low-Income Energy Advisory Board, which are reflected in Section 46 of the draft bill. We then attempted to determine through publicly available information and our own records whether the board was still active, whether it continued to serve a valid purpose, and whether its functions could easily and appropriately be delegated to a state agency or another board. This list has been vetted internally, with the Office of Policy and Management and with other executive branch agencies. Until this time, however, we have not had the opportunity to

hear reaction from the members of the General Assembly or the public. We look forward to hearing those comments.

This bill is part of the Governor's overall effort to streamline government. We intend to continue to evaluate boards and commissions and may propose additional eliminations and consolidations in future legislative sessions. This is just a start. There may be boards, commissions, taskforces and other groups that should be added to this list and we invite the committee members and members of the public to suggest any additions. Our office stands ready to work with members of this committee, with other members of the General Assembly, and with the public, towards developing an end product which will represent a step forward in downsizing and streamlining state government.

Thank you for the opportunity to speak with you today. I am happy to attempt to answer any questions that you have about either bill.

HB5027 - AN ACT IMPLEMENTING THE GOVERNOR'S BUDGET
RECOMMENDATIONS CONCERNING THE ELIMINATION, CONSOLIDATION &
MODIFICATION OF VARIOUS BOARDS & COMMISSIONS – FACT SHEET

- Eliminates the following boards and commissions:
 - Adult Literacy Leadership Board
 - Advisory Committee for the Center of Real Estate and Urban Studies (UConn)
 - Advisory Committee for William Benton Museum of Art
 - Bi-State Farmington River Watershed Advisory Committee
 - Board of Directors of the Lower Fairfield County Conference/Exhibit Authority
 - Child Daycare Council
 - Commission on Innovation and Productivity
 - Computer-Assisted Mass Appraisal Systems Advisory Board
 - CT International Trade Council
 - CT Israel Exchange Commission
 - CT Progress Council
 - CT Public Transportation Commission
 - CT Risk Assessment Board
 - Geospatial Systems Information Council
 - HealthFirst Connecticut Authority
 - Housing Advisory Committee
 - Innovations Review Panel
 - Medical Inefficiency Committee
 - Nurturing Families Network Advisory Commission
 - Quinebaug & Shetucket Rivers National Heritage Corridor Advisory Committee
 - Small Business Air Pollution Compliance Advisory Panel
 - Southwest Corridor Action
 - State Board of Examiners of Shorthand Reporters
 - Statewide Community Antenna Television Advisory Council
 - Student Financial Aid Information Council
- Sections 39 – 40: Merges the Commission on Uniform Legislation with the Law Revision Commission and changes the appointing authorities to the Commission and the membership.
- Sections 41 – 42: Eliminates the Contaminated Property Remediation Fund Advisory Board and transfers oversight to the Brownfield Remediation Liability Working Group.
- Section 43 – 44: Eliminates the Governor's appointments to the Long Island Sound Councils.
- Section 45: Creates the Connecticut Council on Developmental Disabilities, per federal mandate, the Developmental Disabilities Assistance and Bill of Rights Act of 2000, P.L. 106-402.

- Section 46: Removes the Secretary of OPM and the Commissioner of DSS as ex officio voting members of the Low-Income Energy Advisory Board. The Secretary of OPM and the Commissioners of DSS and DEEP are now ex officio non-voting members. Also makes technical/conforming changes consistent with these changes.
- Section 47 – 56: Changes the Commission for Educational Technology to the Commission on Technology Advancement, broadens the charge of the original Commission to accurately reflect today's challenges, and makes technical/conforming changes consistent with this change.